

FILED

1 WILLIAM JOHN DAUGHTERY

2 CDCR # F-7998S

3 P.O. BOX 2349/D10-110UP

4 CHUCKAWALLA VALLEY STATE PRISON

5 BLYTHE, CALIFORNIA 92226

2008 JUL -3 AM 10:21

CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY Ro DEPUTY

NUNC PRO TUNC

JUN 27 2008

6 UNITED STATES DISTRICT COURT

7 SOUTHERN DISTRICT OF CALIFORNIA

8 WILLIAM JOHN DAUGHTERY, CIVIL CASE NO. 08 CV 0408 WQH(BLM)

9 PLAINTIFF, V. MOTION AND REQUEST FOR ISSUANCE

10 DENNIS WILSON, SD.P.D., OF CIVIL SUBPOENA (DUCES

11 ESMERALDA TAGABAN, SD.P.D., TECUM) FOR PRODUCTION OF

12 SGT. GRIFFIN, SD.P.D., DOCUMENTS AS DISCOVERY AND

13 DET. LEMUS, SD.P.D., EXHIBITS FOR JURY TRIAL

14 CITY OF SANDIEGO, WITH DECLARATIONS AND PROOF

15 SANDIEGO POLICE DEPT. OF SERVICE.

16 DEFENDANT

17 DATE: 19 JUNE 2008

18 I, WILLIAM JOHN DAUGHTERY, PETITIONER AND PLAINTIFF  
19 IN THE ABOVE ACTION, PROCEEDING PRO SE AND IN  
20 FORMA PAUPERIS, DO HEREBY REQUEST AND MOVE THAT  
21 THE COURT ORDER THE PRODUCTION OF THE BELOW LISTED  
22 DOCUMENTS, RECORDS AND MATERIALS, INCLUDING ALL  
23 PRESERVED BY MEANS MECHANICAL, ELECTRONIC OR  
24 OTHERWISE, AND THAT SAID DOCUMENTS BE DELIVERED  
25 INTO THE CUSTODY OF THE PLAINTIFF, PURSUANT  
26  
27  
28

CONTINUED

WILLIAM JOHN DAUGHERTY V. D. WILSON, ET AL.  
CIVIL CASE NO.  
08 CV 0408 WQH(BLM)

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DATE: 19 JUNE 2008

1 MOTION AND REQUEST FOR ISSUANCE OF SUBPOENA  
2 PRODUCTION OF DOCUMENTS AS DISCOVERY

3  
4 TO FEDERAL RULES OF CIVIL PROCEDURE, RULE(S) 45  
5 26, 37 AND 34. THE PARTY NAMED BELOW HAS  
6 CONTROL AND POSSESSION OR WILL ACQUIRE POSSESSION  
7 OF THE FOLLOWING LISTED DOCUMENTS OR MATERIALS  
8 WHEREAS THEY ARE MATERIAL TO THE PROOF OF  
9 THE ISSUES INVOLVED IN THIS CASE. GOOD CAUSE  
10 EXISTS FOR THE PRODUCTION OF MATERIALS AND NOTA  
11 OF RELEVANCE AND PROBATIVE VALUE FOLLOWS DESCRIPTION  
12 OF EACH REQUESTED ITEM. THE COURT IS REQUESTED  
13 TO IMPLEMENT THE PRESCRIBED PENALTIES FOR  
14 FAILURE TO COMPLY WITH ITS ORDER (FRCP 37)  
15 AND IT IS FURTHER REQUESTED THAT PRODUCTION AND  
16 DELIVERY BE PERFORMED WITHIN A REASONABLES PERIOD,  
17 AND AS PETITIONER IS IN FORMA PAUPERIS, THAT  
18 ALL FEES INCURRED IN ISSUING AND SERVICE OF SUBPOENA  
19 BE BORNE AND ADVANCED BY THE UNITED STATES  
20 PENDING SUCCESSFUL SETTLEMENT OR VERDICT.  
21 IN THE CASE OF MEDICAL RECORDS OF REQUESTOR; ALL LEGAL  
22 CLAIMS REGARDING PRIVACY ISSUES ARE HEREBY RELINQUISHED  
23 AND POSSESSOR IS NOT HELD LIABLE FOR OBEDIENCE TO COURTS'  
24 COMMAND TO PRODUCE. WRITTEN OBSERVATIONS AND CONCLUSIONS  
25 MAY BE SUBSTITUTED IN LIEU OF RADIOGRAPHIC (INCLUDING  
26 SONOGRAM AND X-RAY) IF REPRODUCTION OF SUCH IMPOSES  
27 'UNDUE BURDEN' AND EXPENSE.

28

WILLIAM DAUGHERTY  
CDCR#79985  
P.O. Box 23491 D10-1104  
BLYTHE, CA. 92226

DATE: 19 JUNE 2008

RE: 08CV0408 WQH(BLM)

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REQUEST FOR CIVIL SUBPOENA DUCES TECUM

FEDERAL RULES OF CIVIL PROCEDURE RULE 45(a)(1)(C) & (D)

ADVISEMENT TO SUBPOENAED

F.R.C.P. 45(a)(1)(C)

COMBINING OR SEPARATING COMMAND TO PRODUCE OR PERMIT INSPECTION, SPECIFYING THE FORM FOR ELECTRONICALLY STORED INFORMATION; A COMMAND TO PRODUCE DOCUMENTS, ELECTRONICALLY STORED INFORMATION OR TANGIBLE THINGS OR TO PERMIT THE INSPECTION OF PREMISES MAY BE INCLUDED IN A SUBPOENA COMMANDING ATTENDANCE AT A DISPOSITION HEARING, OR TRIAL OR MAY BE SET OUT IN A SEPARATE SUBPOENA. A SUBPOENA MAY SPECIFY THE FORM OR FORMS IN WHICH ELECTRONICALLY STORED INFORMATION ~~IS~~ IS TO BE PRODUCED.

F.R.C.P. 45(a)(1)(D)

COMMAND TO PRODUCE; INCLUDED OBLIGATIONS: A COMMAND TO PRODUCE DOCUMENT, ELECTRONICALLY STORED INFORMATION OR TANGIBLE THINGS REQUIRES THE RESPONDING PARTY TO PERMIT INSPECTION, COPYING, TESTING OR SAMPLING OF THE MATERIALS.

THE COURT IS REQUESTED TO COMMAND THE PRODUCTION AND DELIVERY TO MOVANT THE FOLLOWING DESCRIBED MATERIALS; INCLUDING THOSE MECHANICALLY AND/OR ELECTRONICALLY STORED:

1 WILLIAM DAUGHERTY  
2 F-79985 CDCR#  
3 P.O. BOX 2349  
4 BLYTHE, CA. 92226

DATE: 19 JUNE 2008

1 RE: 08CV0408 WQH(BLM) PAGE 4  
2

3 REQUEST FOR CIVIL SUBPOENA(DUCES TECUM)

4 ITEMS TO BE PRODUCED:

5 I. MEDICAL

6 ALL MEDICAL RECORDS FOR THE ABOVE NAMED

7 INDIVIDUAL FOR THE PERIOD (DATE) 9 MARCH 2006

8 UNTIL (DATE) JULY 30, 2007 • INCL INTAKE SCREENING

9 II. PSYCHOLOGICAL

10 ALL PSYCHOLOGICAL RECORDS FOR THE ABOVE NAMED

11 INDIVIDUAL FOR THE PERIOD (DATE) 9 MARCH 2006

12 UNTIL (DATE) JULY 30, 2007 • INCL INTAKE SCREENING

13 THIS REQUEST ACTS AS RELEASE OF MEDICAL INFORMATION

14 CONSENT BY THE PATIENT / PLAINTIFF IN THIS ACTION!

15 THE REQUESTED ITEMS ARE MAINTAINED AT:

16 SANDIEGO CENTRAL JAIL (PKG# 7735747 AND 6704525)

17 P.O. BOX 222050 1173 FRONT ST

18 SAN DIEGO, CA 92102 - 222050

19 PHONE # (619) 615-2700

20 A COPY OF THIS DOCUMENT HAS BEEN MAILED TO ATTORNEYS FOR

21 DEFENDANTS AND I CERTIFY AND SWEAR THE FOREGOING IS TRUE.

22 MICHAEL J. AGURRI, CIVIL ATTORNEY

23 C/O WENDY DAVISSON, DEPUTY CITY ATTY.

24 1200 THIRD AVE, SUITE 1100

25 SAN DIEGO, CA 92101

26 WILLIAM DAUGHERTY

27 DATE: 19 JUNE 2008